



AN ORDINANCE

04-O-1430

BY COUNCILMAN JIM MADDOX

AS SUBSTITUTED BY CITY UTILITIES COMMITTEE

AUTHORIZING THE MAYOR TO ENTER INTO A SEWER AGREEMENT WITH COVENTRY STATION PARTNERS, LLC FOR CONSTRUCTION OF THE CAMP CREEK OUTFALL RELIEF SEWER PHASE 2; ANTICIPATING AND APPROPRIATING WATER AND SEWER FUNDS IN THE AMOUNT OF \$368,000, AND FOR OTHER PURPOSES.

WHEREAS, the Atlanta City Council on May 3, 2004, adopted City Ordinance No. 04-O-0152 amending the 1982 Zoning Ordinance of the City of Atlanta by creating a new Chapter entitled 28T SPI 20 Greenbriar District Regulation; and

WHEREAS, the Greenbriar Towncenter's Livable Initiative Plan, adopted by the City of Atlanta (hereinafter the "City") in August of 2001, calls for the general update of zoning in the Greenbriar study area as a critical step necessary to implement the goals and objectives of said plan; and

WHEREAS, commercial districts should provide adjacent neighborhoods with pedestrian accessibility to retail goods and services; and

WHEREAS, Coventry Station Partners, LLC, and its Manager, Priske-Jones Southeast has worked directly with the City Planning Staff and the Community to ensure that the proposed Coventry Station Project (hereinafter the "Project") could be implemented in a manner consistent with the goals and objectives of the Towncenter Livable Initiatives Plan and the requirements of Chapter 18T SPI 20 Greenbriar District Regulations; and

WHEREAS, the Project will be a quality development that will enhance and stabilize the Greenbriar area in general; and

WHEREAS, economic development of this type is extremely important for the southwest Atlanta community; in particular and the City generally; and

WHEREAS, the proposed infrastructure improvements to the Camp Creek Outfall will create the opportunity for, in addition to the Project, other developments to proceed because of the increased availability of sewer services; and



WHEREAS, Coventry Station Partners, LLC plans to construct the infrastructure for residential, retail, office, and commercial components of the Development; and

WHEREAS, the City has determined that existing sewer capacity at the downstream portion of the Basin and in particular the Camp Creek Outfall, is inadequate in size to provide the capacity required by government standards either to service the Barrow Place Outfall in its current status or to service additional flow resulting from the Proposed, and future Development; and

WHEREAS, The City has determined that the remedial sanitary sewer capacity relief required for the downstream portion of Camp Creek Outfall will consist of constructing improvements to the Camp Creek Outfall, specifically upgrading approximately 2,525 linear feet of sewer line within the area on property owned by Greenbriar Colony Cooperative, Inc. and the City (the "Improvements"); and

WHEREAS, the City and Coventry Station Partners, LLC have determined that the cost of the Improvements, including construction costs, designs and engineering, contingency, and related costs, is estimated to be \$736,000 dollars; and

WHEREAS, because the Improvements will be equally beneficial to the City as well as to Coventry Station Partners, the City has agreed to accelerate implementation of the Improvements under a cost sharing arrangement with Coventry Station Partners, LLC which the City and Coventry Station Partners, LLC each contribute 50% and 50% respectively, to the total design and construction of the Camp Creek Outfall in an amount of \$736,000 dollars.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS as follows:

SECTION 1: The Mayor is authorized to enter into an agreement with Coventry Station Partners, LLC for reimbursement of costs for the design and construction of the sanitary sewer Improvements on the Camp Creek Outfall (Camp Creek Outfall Relief Sewer Phase 2) between that segment of line beginning at 13930200501 and moving southwest to a unit at 13930116701 as shown on the Camp Creek Outfall replacement map which is attached hereto and incorporated herein by this reference as Exhibit "A."

SECTION 2: Pursuant to this contractual agreement, the City shall contribute no more than 50% of the total cost of the design and construction of the Improvements incurred by Coventry Station Partners, and in no event shall contribute an amount to exceed \$368,000.

SECTION 3: Pursuant to this contractual agreement, the Department of Watershed Management, prior to construction commencing, must approve all plans and specifications for the Improvements.



SECTION 4: To effectuate this contractual agreement, the Mayor is authorized to execute such real property documents necessary to grant permanent easements to Coventry Station Partners, LLC those easements, temporary encroachments, construction easements, and other temporary real property rights as needed to permit construction of the Improvements, easements and consents regarding the existence of the improved sewer lines.

SECTION 5: The Mayor is further authorized to execute any and all agreements and other documents or instruments as needed to accomplish this transaction after approval by the City Attorney as to form.

SECTION 6: Once the Improvements are complete and accepted by the City, the developers of the Project shall be entitled to sufficient sewer capacity to service the Project.

SECTION 7: That the 2004 (Water and Wastewater Renewal and Extension Fund) Budget is amended hereby as follows:

TRANSFER FROM APPROPRIATION

2J21 791001 T11001	Reserve for Appropriation	\$368,000.00
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TRANSFER TO APPROPRIATION

2J21 774001 Q38I02749999	Camp Creek Outfall Sewer Project	\$368,000.00
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SECTION 8: All expenses under this contractual agreement shall be paid from Fund, Account Center Number 2J21 574001 Q38I02749999.

SECTION 9: No agreement shall be binding on the City, nor shall the City incur any liability thereunder, unless the agreement has been signed by the Mayor, attested to by the Municipal Clerk, approved by the City Attorney as to form and delivered to Coventry Station Partners.

SECTION 10: Any Ordinance or part of any ordinance in conflict with the terms of this ordinance is hereby waived.

A true copy,

Rhonda Daughlin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

NOV 01, 2004
NOV 05, 2004

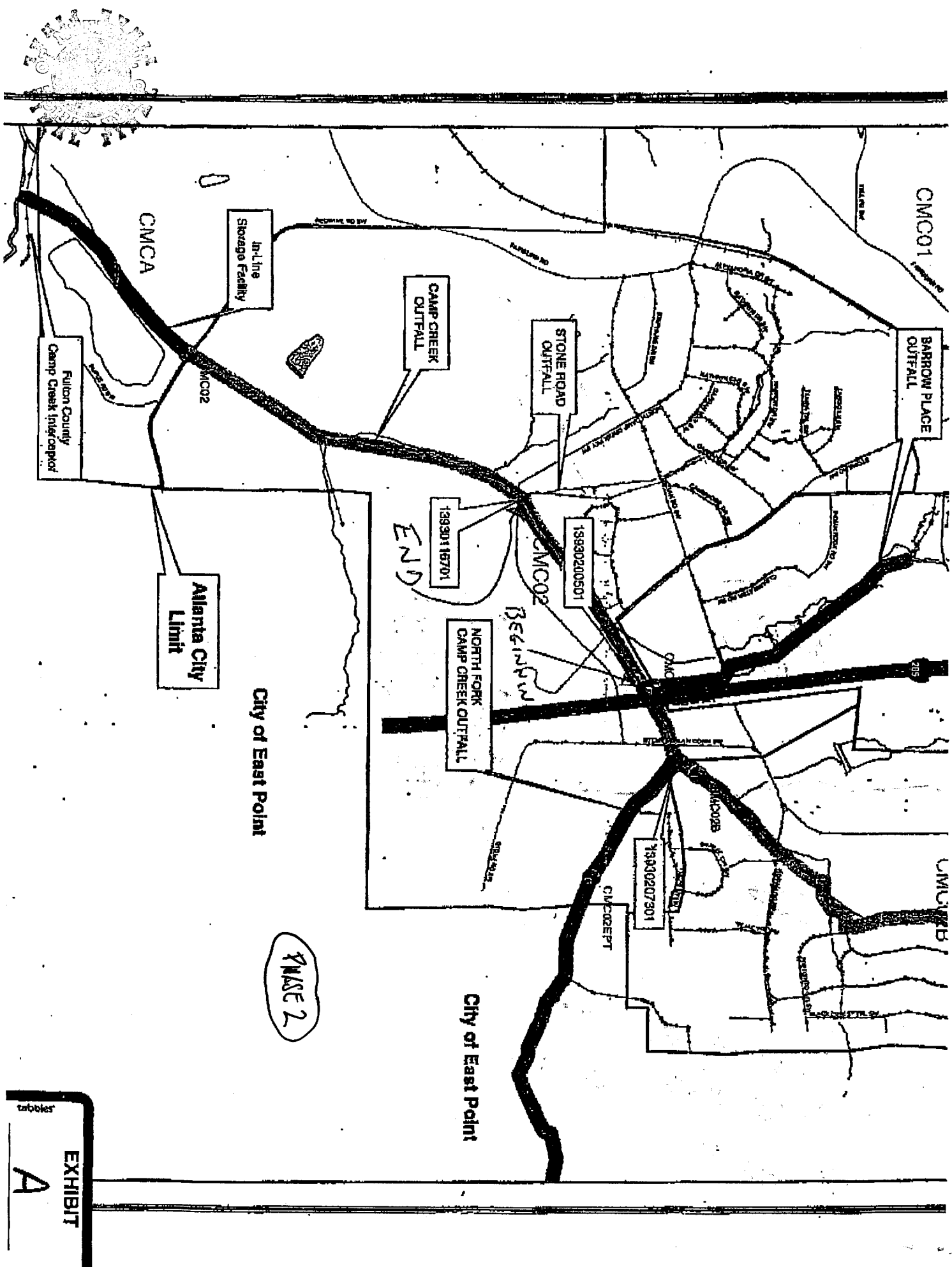


PLATE 2

A

EXHIBIT

tabbler

RCS# 6199
11/01/04
1:42 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PGS 3-15

ADOPT

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 3

Y Smith	B Archibong	Y Moore	Y Mitchell
Y Starnes	B Fauver	B Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	NV Sheperd	NV Borders

CONSENT I

		11-01-04 Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSE ON CONSENT
1. 04-O-1626 2. 04-O-1795 3. 04-O-1796 4. 04-O-1828 5. 04-O-1819 6. 04-O-1929 7. 04-O-1758 8. 04-O-1932 9. 04-O-1430 10. 04-O-1926 11. 04-O-1885 12. 04-O-1937 13. 04-O-1941 14. 04-R-1893 15. 04-R-1894 16. 04-R-1895 17. 04-R-1916 18. 04-R-1917 19. 04-R-1918 20. 04-R-1920 21. 04-R-1896 22. 04-R-1897 23. 04-R-1898 24. 04-R-1899 25. 04-R-1930 26. 04-R-1884 27. 04-R-1886 28. 04-R-1888 29. 04-R-1889 30. 04-R-1890 31. 04-R-1891 32. 04-R-1928 33. 04-R-1938 34. 04-R-1870 35. 04-R-1871 36. 04-R-1874 37. 04-R-1945	38. 04-R-1878 39. 04-R-1940 40. 04-R-1908 41. 04-R-1909 42. 04-R-1910 43. 04-R-1911 44. 04-R-1912 45. 04-R-1913 46. 04-R-1914 47. 04-R-1915	48. 04-R-1162 49. 04-R-1172 50. 04-R-1178 51. 04-R-1782 52. 04-R-1900 53. 04-R-1901 54. 04-R-1902 55. 04-R-1903 56. 04-R-1904 57. 04-R-1905 58. 04-R-1906 59. 04-R-1907

#30

04-0-1430
(Do Not Write Above This Line)

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BY: COUNCILMAN JIM MADDOX

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IMPROVEMENTS TO THE CAMP
CREEK OUTFALL;
ANTICIPATING AND
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SEWER FUNDS IN THE AMOUNT
OF \$450,000, AND FOR OTHER
PURPOSES.
ADOPTED BY

NOV 01 2004

SUBSTITUTE
COUNCIL

- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER
- ☒ PERSONAL PAPER REFER

Date Referred 8/16/04
Referred To: City Utilities
Date Referred
Referred To:
Date Referred
Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

Committee _____
Date 8/31/2004
Chair _____
Action _____
Fav, Adv, Hold (see rev. side) _____
Other _____

Members _____
Refer To _____

Committee _____
Date _____
Chair _____
Action _____
Fav, Adv, Hold (see rev. side) _____
Other _____

Committee _____
Date _____
Chair _____
Action _____
Fav, Adv, Hold (see rev. side) _____
Other _____

Members _____
Refer To _____

FINAL COUNCIL ACTION
☒ 2nd ☐ 1st & 2nd ☐ 3rd
Readings
☐ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

NOV 01 2004
ATLANTA CITY COUNCIL PRESIDENT
[Signature]

NOV 01 2004
MUNICIPAL CLERK
[Signature]

MAYOR'S ACTION

NOV 05 2004
[Signature]